

Remarks/Arguments

Reconsideration of this application is respectfully requested.

Applicant has amended the specification to insert a reference to the prior application, as suggested by the Examiner. Since the benefit of the prior application was claimed in the originally filed inventor's Declaration, it is believed that no petition is required to insert this reference.

Applicant has also amended the specification to correct an obvious error. In several places, the term "unsaturated amide" was changed to "saturated amide." Since the invention is directed to the use of saturated amides as a component of the slip aid and since the examples include saturated amides, it should be readily apparent that the statements following the examples are intended to refer to the "saturated" amide component. Otherwise, the statements would make no sense in the context presented.

Applicant has submitted herewith a new inventor's Declaration, as suggested by the Examiner, in which the incorrect reference to the PCT application has been deleted. Since this application is a §371 national phase application out of the PCT, it is believed that it is not necessary for the inventor's Declaration to refer to the PCT application. However, the Declaration maintains the benefit claim to the prior U.S. application.

Applicant has cancelled claims 1 to 21 and inserted new claims 22 to 32. It is believed that the new claims obviate the §112 rejections and the double patenting rejection. Applicant has also submitted herewith a Terminal Disclaimer to overcome the double patenting rejection.

The prior claims 1 to 21 were rejected under 35 U.S.C. §103 over Knight (EP 0129309) in view of Couturier (US 4,870,128), optionally in view of Burdock (claims 9, 10 and 16), or Naseem (US 2002/0120037) (claim 15), or Akao

(EP 0569950) (claims 17-19). Applicant respectfully urges that the aforementioned rejections are not applicable to the newly presented claims.

The present claims are directed to closure liners molded from a composition that includes, in addition to the matrix polymer (which must be essentially free of erucamide or other unsaturated amide), an organopolysiloxane, a saturated amide and an oxidized polyethylene. None of the cited references teach or suggest the specific combination of an organopolysiloxane, a saturated amide and an oxidized polyethylene. However, it is this specific combination that provides a liner with reduced off-odor/flavor while maintaining a sufficiently low removal torque.

As shown in Table 1 (Example 1), no one component alone provides acceptable removal torque – see D (stearamide alone), E (oxidized polyethylene alone), and F (polysiloxane alone) compared to B (erucamide alone). As shown in Table 3, the composition 3A, which includes the claimed combination of agents, exhibits excellent removal torque as good or better than erucamide (3B), without the off-odor/flavor characteristics of erucamide. Accordingly, it is submitted that the claimed composition is inventive when viewed in light of the cited art.

In order to make up for the deficiency of the cited references, the Examiner has cited Burdock and leaped to the conclusion that the polyethylene wax included in some of the Knight compositions would undergo spontaneous oxidation in air and become oxidized polyethylene. Such a conclusion is completely unfounded and ignores the well-known stability of polyethylene in air. For example, polyethylene films are widely used in the packaging industry and do not undergo oxidation under normal conditions. As will be readily apparent from the disclosure in US 4,889,897, oxidation of polyethylene is conducted at high temperatures.

Accordingly, applicant believes the rejections asserted by the Examiner are inapplicable to the present claims and should be withdrawn.

Although WO 2000/68106 (Rule) was not cited by the Examiner, applicant wishes to point out that this reference does not teach any particular combination of slip agents, and certainly does not teach the specific combination of an organopolysiloxane, a saturated amide and an oxidized polyethylene, as claimed. In particular, this reference, like the others previously described, does not suggest the inclusion of an oxidized polyethylene. Accordingly, applicant believes the present claims are patentable over this reference, either alone or in combination with other references of record.

Applicant believes the present claims are now in condition for allowance and such action is earnestly requested.

Respectfully submitted,

/Stephan P. Williams/

Customer No. 33250
Patent Department
W.R. Grace & Co.-Conn.
62 Whittemore Avenue
Cambridge, MA 02140

Stephan P. Williams
Reg. No. 28,546
Attorney for Applicants
(617) 498-4919